

U.S. DISTRICT COURT
UNITED STATES DISTRICT COURT DISTRICT OF N.H.
DISTRICT OF NEW HAMPSHIRE FILED

UNITED STATES OF AMERICA

2012 JUL -9 A 10:24

NO. 11-CR-6-JL

V.

BRIAN MAHONEY

MOTION TO EXCEED STATUTORY FEE LIMITS

NOW COMES Paul J. Garrity, attorney for the defendant, and moves this Court to authorize Attorney Garrity to exceed the statutory fee limit.

In support of this Motion, Attorney Garrity states as follows:

1. Fee requests in excess of the maximum amount of \$9,700.00 authorized under 18

U.S.C. 3006A (d)(2) are governed by the criteria laid out in United States v.

Carnevale, 624 F. Supp 381 (D.R.I. 1985). Those criteria include:

- the amount, character and complexity of work required
- responsibilities involved
- manner in which duties were performed
- knowledge, skill and judgment required of and used by counsel
- professional standing of counsel as reflected by length of time at bar, experience acquired and reputation established
- nature of counsel's practice and injury thereto
- any extraordinary pressure of time or other factors under which services were recorded
- results achieved

- and any other circumstances brought to the court's attention relevant and material to the determination of a fair and reasonable fee - p. 384
- 2. The undersigned counsel was first appointed to this case on February 18, 2011. During this time, the defendant was housed at the Strafford and Cheshire County House of Corrections, as well as Fort Devins, and consulting with the defendant required the undersigned counsel to travel to and from each of these facilities.
- 3. One of the issues involved in the case was the competency of Mr. Mahoney. Dealing with this issue required a number of hearings. In addition, Mr. Mahoney's mental health status led to a number of other hearings and meetings with Mr. Mahoney.
- 4. During the course of his representation, Attorney Garrity has worked a total of 207.2 hours on this case. Attorney Garrity's representation involved a review of discovery, legal research and drafting of motions, travel and meetings with client. In addition, court hearings were held in this matter.
- 5. The undersigned counsel has been a member of the New Hampshire Bar since 1986 and a member of the Massachusetts Bar since 1990. My practice is devoted entirely to criminal defense and I have been a member of this Court's CJA Panel since approximately 1996 and a member of the NH CJA Panel since approximately 1988.
- 6. The time expended in defending this case was necessary.
- 7. Attorney Garrity submits that the amount of time he has expended in representing the defendant should qualify as good cause to exceed the statutory fee limits. Otherwise, the undersigned counsel will be financially penalized for accepting

this case.

WHEREFORE, the undersigned counsel respectfully requests that this Court grant the within Motion.

Respectfully submitted,
Brian Mahoney,
By his Attorney,

Date:

7/6/12

PJG

Paul J. Garrity
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(603) 434-4106
No. 905

CERTIFICATE OF SERVICE

I, Paul J. Garrity, herein certify that on this 6th day of July, 2012, a copy of the within was mailed, postage prepaid, to the United States Attorney's Office.

PJG

Paul J. Garrity